

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

ATF-DAVIDSON COMPANY

and

Case # CA--26547

UNITED STEELWORKERS OF
AMERICA, AFL--CIO

SUPPLEMENTAL DECISION AND ORDER

By Chairman Stephens and Members Crockcraft and Oviatt
On May 31, 1990,¹ the National Labor Relations Board issued a Decision

and Order in this proceeding,² directing ATF-Davidson Company, the Respondent, inter alia, to make whole all employees represented by Locals 3654 and 7147 of the United Steelworkers of America, AFL--CIO, for losses resulting from its unfair labor practices. On August 21, the Regional Director for Region 1 issued a compliance specification and notice of hearing, alleging that a controversy had arisen over the amount of backpay due the discriminatees under the terms of the Board's Order, and notifying the Respondent that it must file a timely answer that complies with the Board's Rules and Regulations.

Copies of the compliance specification and notice of hearing were served on the Respondent and its attorney by certified mail on August 21. The certified mail receipt that was sent to the Respondent was returned to the Regional Office without indicating a date of delivery. The original letter was not returned to the Regional Office. The attachments to the Motion for Summary

¹ All subsequent dates refer to 1990 unless specified otherwise.

² 298 NLRB No. 92.

Judgment demonstrate that the Respondent's attorney received the compliance specification. By letter dated October 5, the Regional Office again notified the Respondent's attorney that an answer to the compliance specification and notice of hearing was required. The letter advised that the Respondent had until October 26 to file an answer, or a Motion for Summary Judgment might issue. Despite proper service of the compliance specification and notice of hearing, no answer to the compliance specification has been filed.

On December 17, the General Counsel filed with the Board in Washington, D.C., a motion to transfer proceeding to the Board for summary judgment. On December 20, the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the General Counsel's motion should not be granted. The Respondent has filed no response.

The National Labor Relations Board has delegated its authority proceeding to a three-member panel.

On the entire record, the Board makes the following

Ruling on Motion for Summary Judgment Section 102.56 (c) of the National Labor Relations Board's Rules and Regulations states in pertinent part:

(c) Effect of failure to answer or to plead specifically and in detail to backpay allegation of specification.---If the respondent fails to file any answer to the specification within the time prescribed by this section, the Board may, either with or without taking evidence in support of the allegations of the specification and without further notice to the respondent, find the specification to be true and enter such order as may be appropriate.

As the Respondent has not filed an answer contesting the allegations in the compliance specification, and has not offered any explanation for its failure to do so, in accordance with the rule set forth above, we deem the allegations of the specification to be true. Accordingly, we grant the General Counsel's Motion for Summary Judgment, conclude that the net backpay due the

discriminatees is as stated in the computations of the specification, and order that payment be made by the Respondent as set forth below.

ORDER

The National Labor Relations Board orders that the Respondent, ATF-Davidson Company, Whitinsville, Massachusetts, its officers, agents, successors, and assigns, shall pay each of the employees named in the compliance specification the amounts set forth adjacent to their names, plus interest computed in accordance with New Horizons for the Retarded, 283 NLRB 1173 (1987), and accrued to the date of payment, less all tax withholding as required by Federal, state, and municipal laws.

Dated, Washington, D.C. February 8, 1991

James M. Stephens, Chairman

Mary Miller Cracraft, Member

Clifford R. Oviatt, Jr., Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD